

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 29, 2018

SEAN F. MCAVOY, CLERK

SEAN M. DRIVER, a single person,

Plaintiff,

v.

CITY OF SPOKANE, SPOKANE
POLICE DEPARTMENT, CHIEF OF
POLICE CRAIG N. MEIDL, OFFICER
PAUL GORMAN, OFFICER DUSTIN
HOWE, and OFFICER DANIEL A.
COLE,

Defendants.

No. 2:18-CV-00032-SMJ

**ORDER GRANTING
STIPULATION OF THE PARTIES
DISMISSING CLAIMS RE:
OFFICER COLE AND OTHER
CERTAIN CLAIMS**

Before the Court, without oral argument, is the Stipulation of the Parties' Dismissing Claims Re: Officer Cole and Other Certain Claims, ECF No. 13. The parties move for dismissal of Defendants Officer Daniel A. Cole and Spokane Police Department with prejudice. In addition, the parties stipulate the following claims as alleged in Plaintiff's Complaint are dismissed with prejudice:

1. Plaintiff's claims under the Washington State Constitution as alleged in Cause of Action VI;
2. Plaintiff's 1st Amendment claims as alleged in Cause of Action VI;

1 3. Plaintiff's Cause of Action VIII-Agency Theory; and

2 4. Plaintiff's Cause of Action IX-Respondeat Superior

3 Having reviewed the files and records herein, the Court finds good cause to grant
4 the motion.

5 **IT IS HEREBY ORDERED:**

6 **1.** The Stipulation of the Parties Dismissing Claims Re: Officer Cole
7 and Other Certain Claims, **ECF No. 13**, is **GRANTED**.

8 **2.** All claims against Defendants OFFICER DANIEL A. COLE and
9 SPOKANE POLICE DEPARTMENT are **DISMISSED WITH**
10 **PREJUDICE**, with all parties to bear their own costs and attorneys'
11 fees.

12 **3.** The Clerk's Office is directed to **AMEND** the caption as follows:

13 SEAN M. DRIVER, a single person,

14 Plaintiff,

15 v.

16 CITY OF SPOKANE; CHIEF OF POLICE CRAIG N. MEIDL;
17 OFFICER PAUL GORMAN; and OFFICER DUSTIN HOWE,

18 Defendants.

19 **4.** Plaintiff's claims under the Washington State Constitution as alleged
20 in Clause of Action VI are **DISMISSED WITH PREJUDICE**.

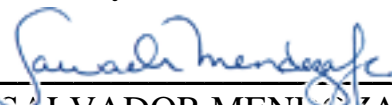
1 **5.** Plaintiff's 1st Amendment claims as alleged in Cause of Action VI are
2 **DISMISSED WITH PREJUDICE.**

3 **6.** Plaintiff's Cause of Action VIII-Agency Theory is **DISMISSED**
4 **WITH PREJUDICE.**

5 **7.** Plaintiff's Cause of Action IX-Respondeat Superior is **DISMISSED**
6 **WITH PREJUDICE.**

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
8 and provide copies to all counsel.

9 **DATED** this 29th day of June 2018.

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 SALVADOR MENDOZA, JR.
 United States District Judge